

**EXHIBIT 27**

**REDACTED VERSION  
OF DOCUMENT  
SOUGHT TO BE SEALED**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

--oOo--

WAYMO LLC,

Plaintiff,

vs.

Case

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
Defendants.

\_\_\_\_\_/

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF SALLE YOO

VOLUME II

THURSDAY, DECEMBER 14, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2771310

Pages 163 - 495

Page 191

1 MR. VERHOEVEN: Okay.

09:30:03

2 MR. BRILLE: So --

3 BY MR. VERHOEVEN:

4 Q. What fact --

5 MR. BRILLE: Sorry.

09:30:04

6 I don't formulate the questions, so if  
7 you'd like me to take a second and figure out if she  
8 can answer it, we're happy to do that so that we can  
9 allow this to proceed.

10 BY MR. VERHOEVEN:

09:30:14

11 Q. Ms. Yoo, what facts are you aware of  
12 relating to API scraping going on within Uber prior  
13 to April of 2017? I'm not asking for requests for  
14 legal advice or legal advice provided. I'm only  
15 asking for what factual information you're aware of  
16 going on at the company.

09:30:28

17 MR. BRILLE: Give you the same instruction.

18 THE WITNESS: The information that I received  
19 would have been from counsel based on their  
20 investigation.

09:30:46

21 BY MR. VERHOEVEN:

22 Q. Again, just for the record, you're talking  
23 about factual information about what was going on at  
24 Uber; correct?

25 A. Correct.

09:30:56

1 not to answer that question? 09:33:51

2 MR. BRILLE: Let's have the question back.

3 THE WITNESS: Yes. Can your read the question  
4 back?

5 MR. BRILLE: Let's hear the question back. 09:33:53

6 MR. VERHOEVEN: I only have two more questions  
7 if I can get answers . . .

8 MR. BRILLE: Let's hear the question.

9 (Discussion off the record.)

10 (Record read by reporter as follows: 09:34:21

11 "Question: And what if the e-mail asks  
12 for legal advice that characterizes the  
13 document? Do you think that turns the  
14 document into something that's  
15 privileged?") 09:34:21

16 THE WITNESS: So the practice and policies at  
17 Uber were to make sure that teams were informed that  
18 simply putting "Attorney-client privilege" on a  
19 document did not render it privileged. That  
20 privilege attaches when legal advice is sought from 09:34:48  
21 a lawyer.

22 And our practice was that teams were  
23 taught that adding a lawyer to a thread and  
24 saying -- adding Salle for privilege did not render  
25 that communication or that document privileged. 09:35:08

1 As you know, privilege in litigation is an 09:35:13

2 issue that is determined by outside counsel in

3 looking at every document to determine whether or

4 not privilege would attach. And that is my belief,

5 my understanding, and that was my practice at Uber. 09:35:27

6 BY MR. VERHOEVEN:

7 Q. Last question on this subject.

8 Suppose there's -- there's an e-mail to a

9 lawyer that recites factual information, like a

10 witness -- what a witness interview says -- what the 09:35:46

11 witness said about facts or some other factual

12 information and then, in another part of the e-mail,

13 asks for legal advice.

14 Is it your understanding that the

15 non-legal portion of that, that talks about facts, 09:36:01

16 is not privileged?

17 MR. BRILLE: I'm going to object to the form.

18 THE WITNESS: So I just want to make sure I

19 understand your question.

20 BY MR. VERHOEVEN: 09:36:19

21 Q. Okay.

22 A. So someone sends you an e-mail, Charlie,

23 and they recite --

24 Q. You're going to put it on me.

25 A. You're a lawyer, just like I am. 09:36:30

1 Q. Let's do 2013 to April 2017.

09:50:08

2 A. I'm not aware of scraping happening in  
3 2013. As I mentioned, in 2014 I received a request  
4 and -- for legal advice. And then Katherine Tassi  
5 joined in August of 2014. And when she joined, she  
6 took over giving advice on issues related to her  
7 area of expertise.

09:50:28

8 Q. So prior to her joining, you're not aware  
9 that anyone had that responsibility?

10 A. Prior to her joining, it would have been  
11 the entire legal department. And as I've said, I  
12 did receive a question about that in 2014.

09:50:41

13 Q. Prior to April of 2017, are you aware of  
14 any instance in which anyone at Uber hacked a  
15 competitor's private information?

09:51:02

16 A. I am --

17 THE WITNESS: Go ahead.

18 MR. BRILLE: I'm going to issue the same  
19 instruction. To the extent that this was  
20 information provided to you in the context of  
21 seeking legal advice as counsel for Uber, I would  
22 instruct you not to divulge the content of that  
23 information.

09:51:21

24 THE WITNESS: I was not aware of any instance  
25 where Uber hacked.

09:51:31

Page 210

1 BY MR. VERHOEVEN:

09:51:40

2 Q. Were you aware prior to April of 2017 of  
3 any instance in which Uber or anyone within Uber  
4 made tape recordings of conversations with people or  
5 tapped their phones, period?

09:51:53

6 MR. BRILLE: I'm going to issue the same  
7 instruction.

8 THE WITNESS: I was not aware of any such  
9 instance.

10 BY MR. VERHOEVEN:

09:52:12

11 Q. Prior to April of 2017, were you aware of  
12 any instance in which anyone at Uber was stamping  
13 "Attorney-client privilege" on non-privileged  
14 documents for the purpose of shielding those  
15 documents under the privilege designation?

09:52:30

16 A. So --

17 MR. BRILLE: Same instruction.

18 THE WITNESS: -- just to be clear, there's no  
19 such thing as stamping. I think what you mean is  
20 writing --

09:52:42

21 BY MR. VERHOEVEN:

22 Q. Okay.

23 A. -- "Attorney-client privilege" on an  
24 e-mail.

25 And as I've answered before, the practice

09:52:47

1 THE WITNESS: As I said, I believed that this 10:01:38  
2 was a carryover.

3 MR. VERHOEVEN: Move to object, nonresponsive.

4 BY MR. VERHOEVEN:

5 Q. So you won't answer the question if you 10:01:46  
6 believed it's a practice or not?

7 MR. BRILLE: Objection.

8 She answered the question.

9 THE WITNESS: So if by "practice" you mean did  
10 I see it happening over and over again? 10:01:57

11 BY MR. VERHOEVEN:

12 Q. Sure.

13 A. I did. If by "practice" you mean was it a  
14 formal policy and something everyone was asked to  
15 do, as I said, I'm not aware of that. 10:02:08

16 Q. Prior to April of 2017, did you have any  
17 factual information that individuals within the  
18 ThreatOps groups -- group was advising your  
19 employees to use the attorney-client privilege  
20 designation as a way to avoid discovery? 10:02:33

21 A. No.

22 Q. When was the first time you heard that  
23 allegation?

24 A. I read it in the letter from Ric Jacobs.

25 Q. In the May letter, May 5th letter? 10:02:48



Page 222

1 secrets to Uber. So to the extent that your 10:06:29

2 question is was I aware of confidential information,

3 in general, as you said, prior to April 2017, yes,

4 because my team was part of the team working with

5 outside counsel to ensure that trade secrets did not 10:06:47

6 come to Uber.

7 BY MR. VERHOEVEN:

8 Q. Previously when you were asked about that

9 subject matter, you were instructed not to answer.

10 MR. BRILLE: And she will be again. 10:06:57

11 MR. VERHOEVEN: That's what -- I'm trying to  
12 set the foundation, Counsel, so we don't waste time.

13 MR. VERHOEVEN: So if I go into any substance  
14 of that due diligence process, counsel is going to  
15 instruct not to answer? 10:07:08

16 MR. BRILLE: Depends on the question, Charlie.  
17 But we're going to maintain consistent  
18 instructions from --

19 MR. VERHOEVEN: Along the lines of the --

20 MR. BRILLE: I think that's correct, yes. 10:07:17

21 BY MR. VERHOEVEN:

22 Q. Prior to February of 2017, were you aware  
23 of anyone within Uber using an ephemeral device to  
24 communicate about Waymo?

25 A. No. 10:07:28

1           A.    There were some employment-related actions           10:11:30  
2           that were to be taken.  And we were conversing about  
3           timing-related issues.  I don't remember the  
4           specifics, but it was related to when certain  
5           actions could take place.   10:11:47

6           Q.    Which employment individuals were  
7           involved?

8           A.    It was related to employment actions  
9           coming out -- it was related to [REDACTED].

10          Q.    Anyone else?   10:12:13

11          A.    No.

12          Q.    Did you ever use Wickr?

13          A.    No.

14          Q.    Were you aware prior to April of 2017 of  
15          anyone within the ThreatOps group using                               10:12:33  
16          non-attributable devices?

17          A.    No.

18          Q.    What about within the entire company?  
19          Were you aware within the entire company of anyone  
20          using non-attributable devices prior to April 2017?               10:12:45

21          A.    No.

22          Q.    Were you aware of anyone within Uber prior  
23          to 2017 -- start over.

24                Prior to April 2017, were you aware of  
25          anyone within Uber who had a communication system               10:13:00

1       that would not be -- would not pass through Uber's       10:13:05  
2       server system?

3             MR. BRILLE: Objection to form.

4             THE WITNESS: No.

5       BY MR. VERHOEVEN:       10:13:20

6             Q. Did Uber have any policy prior to April of  
7       2017 with respect to non-attributable devices?

8             A. I don't recall any policy, but our general  
9       policy was that Uber business needed to be conducted  
10      on Uber e-mail and within the Uber ecosystem.       10:13:36

11            Q. There was a change in policy in 2017; is  
12      that right?

13            A. In which policy?

14            MR. BRILLE: In which policy?

15       BY MR. VERHOEVEN:       10:13:47

16            Q. The policy you're talking about with  
17      respect to communications and what they need to be  
18      on and not on.

19            A. There was a change in the chat policy.

20                    Is that what you're talking about?       10:13:56

21            Q. Sure.

22                    When was that?

23            A. There were many changes to the chat policy  
24      as chat evolved. And the latest change to the chat  
25      policy was in September of 2017.       10:14:08

1 anything with the May 5th letter after, say, May 20? 11:01:58

2 A. As I said, Ms. Padilla was responsible for  
3 the -- for resolution of the wrongful termination  
4 claim. And so Ms. Padilla would have and did  
5 continue that work. 11:02:22

6 Q. Okay. You understood, when you read the  
7 May 5th demand letter, that the allegations with  
8 respect to Waymo's trade secrets that are contained  
9 in that letter were material to the Waymo/Uber  
10 litigation, didn't you? 11:03:02

11 MR. BRILLE: I'm going to instruct the witness  
12 not to answer the question because you're asking her  
13 about her mental impressions. If you'd like to ask  
14 a different question, fine, but the instruction  
15 stands. 11:03:17

16 MR. VERHOEVEN: Okay. Did you attend the  
17 evidentiary hearing?

18 MR. BRILLE: I was there.

19 MR. VERHOEVEN: Because if raise this with  
20 Judge Alsup, he's going to make her answer. 11:03:26

21 MR. BRILLE: You are asking a lawyer about her  
22 mental impressions regarding the Waymo litigation.

23 MR. VERHOEVEN: You're instructing her not to  
24 answer that question?

25 MR. BRILLE: Correct. 11:03:35

1 BY MR. VERHOEVEN: 11:51:50

2 Q. And it was very important to Uber and the  
3 SMC that the investigation be independent; right?

4 A. That is correct.

5 Q. So I have a question why Mr. Sullivan is 11:52:02  
6 being sent this resignation letter since he clearly  
7 isn't independent?

8 MR. BRILLE: Object to form.

9 THE WITNESS: So I'm not certain why Joe  
10 Sullivan received this letter or -- the resignation 11:52:23  
11 letter. So I'm not certain.

12 BY MR. VERHOEVEN:

13 Q. Do you recall thinking, hey, the people at  
14 security shouldn't be handling this?

15 MR. BRILLE: I'll instruct the witness not to 11:52:42  
16 answer.

17 The question calls for her to reveal her  
18 mental impressions.

19 THE WITNESS: I'm sorry. I was instructed not  
20 to answer. 11:53:21

21 BY MR. VERHOEVEN:

22 Q. So you're not answering that?

23 A. I'm not answering on the instruction of  
24 counsel.

25 Q. Was there any discussion to the effect 11:53:26

Page 346

1 A. I did.

14:02:26

2 Q. So you read this statement that I read  
3 into the record; right?

4 A. I did.

5 [REDACTED]  
6 [REDACTED]

7 MR. BRILLE: Objection.

8 Instruct the witness not to answer.

9 Calls for her mental impression.

10 BY MR. VERHOEVEN:

14:02:45

11 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Page 354

1 BY MR. VERHOEVEN: 14:13:32

2 Q. My only question here I'm trying to get at  
3 is, were you concerned when you read this?

4 MR. BRILLE: I'm going to object and instruct  
5 the witness not to answer to the extent it would 14:13:37  
6 call for her to divulge her mental impressions about  
7 this.

8 BY MR. VERHOEVEN:

9 Q. From a political standpoint, from a unity  
10 of organizational standpoint, was there a concern 14:13:48  
11 that you had?

12 MR. BRILLE: Same instruction.

13 THE WITNESS: From a political standpoint, no.

14 BY MR. VERHOEVEN:

15 Q. What about -- I assume that part of your 14:13:58  
16 job was to try and make sure that everyone worked  
17 together well; right?

18 A. My job was to ensure that the company  
19 received accurate legal advice regardless of how  
20 people felt about it. 14:14:13

21 Q. Okay. And you didn't coordinate at all  
22 with Mr. Sullivan; is that right?

23 MR. BRILLE: Object to form.

24 THE WITNESS: I'm sorry. I don't understand  
25 the question. 14:14:20

Page 386

1 BY MR. VERHOEVEN:

14:54:15

2 Q. Well, that's what you wanted, right, was  
3 to make sure he cooperated with Uber?

4 A. On a very high level, that was the intent,  
5 but I don't know what was specifically behind those  
6 provisions.

14:54:25

7 Q. And you didn't want him to talk to anybody  
8 besides you about his allegations.

9 MR. BRILLE: Objection.

10 THE WITNESS: That is not true. That is not  
11 what I said. We wanted to ensure that he cooperated  
12 fully not only with the internal investigation, but  
13 any government investigation that would require his  
14 testimony. We wanted him to cooperate.

14:54:34

15 BY MR. VERHOEVEN:

14:54:47

16 Q. Well, you had him sign a strict  
17 confidentiality provision; right?

18 MR. BRILLE: Object to the form.

19 THE WITNESS: My recollection is that that  
20 confidentiality provision -- and all of these  
21 documents, none of them prohibited -- in fact, I  
22 think they required him to participate in any  
23 government investigation.

14:54:58

24 BY MR. VERHOEVEN:

25 Q. That said, you made him sign a

14:55:09



1 A. Yes.

15:20:53

2 Q. If you look below, there's -- she's  
3 forwarding an e-mail. And this is from Jared Lenow  
4 from the Department of Justice to Randall Lee at  
5 Wilmer and some other folks.

15:21:11

6 Do you see that?

7 A. Yes.

8 Q. And Mr. Lenow says, "When we spoke earlier  
9 this month, we understood that Wilmer was about to  
10 present its findings to the special matters  
11 committee and that the findings would then be shared  
12 with the government."

15:21:28

13 Do you see that?

14 A. Yes.

15 Q. Did Wilmer -- withdrawn.

15:21:41

16 Has Wilmer presented its findings to the  
17 special matters committee?

18 A. I don't know for sure.

19 Q. Do you believe they have?

20 A. I believe that they have shared some  
21 findings. I don't know that they have shared their  
22 complete findings on their investigation. I'm not  
23 privy to that.

15:21:53

24 Q. And were you at a board meeting where any  
25 findings were discussed?

15:22:12

1 A. My understanding is that whatever -- 15:22:13

2 MR. BRILLE: I think he's just asking -- he  
3 just said were you at a board meeting where the  
4 findings were discussed. That's the basic question.

5 THE WITNESS: The answer is no. 15:22:24

6 BY MR. VERHOEVEN:

7 Q. Okay. But your understanding is that some  
8 of the findings have already been presented to the  
9 special matters committee?

10           A.     Yes.

15:22:39

11 Q. What were those findings?

12                   A.    I don't know what the findings were.

13 Q. Do you know generally?

14                   A.     I know --

15 MR. BRILLE: I'm not -- 15:22:55

16 THE WITNESS: So do I know generally? No.

17 BY MR. VERHOEVEN:

18 Q. Do you know if the findings were good or  
19 bad for Uber?

20 MR. BRILLE: Objection. 15:23:04

21 Instruct the witness not to answer.

22 BY MR. VERHOEVEN:

23 Q. The letter continues, "We wanted to follow  
24 up on this and express our hope to be briefed on the  
25 findings of the investigation as soon as possible, 15:23:14

Page 412

1 A. I'm not sure. 15:50:06

2 Q. You're aware of one hold?

3 A. I'm aware of at least one.

4 Q. Does Uber's litigation hold include

5 language regarding ephemeral chat platforms? 15:50:14

6 A. As I sit here, I don't know.

7 Q. Are you aware of any language in the hold  
8 document that concerns ephemeral messaging systems?

9 A. I don't know. But the policy of the  
10 company was that if you were on hold, that you did 15:50:34  
11 not talk about those topics on any sort of chat app.

12 MR. VERHOEVEN: I'll move to strike as  
13 nonresponsive everything after "I don't know."

14 BY MR. VERHOEVEN:

15 Q. When did the Uber litigation hold go into 15:50:57  
16 effect with respect to this lawsuit?

17 A. I don't have the exact date, but it would  
18 be shortly after the lawsuit was filed and we  
19 received notice of it.

20 Q. In February, March, April? 15:51:10

21 A. No, I don't think it was April. I would  
22 think it was either in February or early March,  
23 depending on when it was implemented.

24 Q. Did Uber implement a litigation hold in  
25 connection with the Stroz investigation? 15:51:21

1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER  
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby  
declare:

3 That, prior to being examined, the witness  
4 named in the foregoing deposition was by me duly  
sworn pursuant to Section 30(f)(1) of the Federal  
5 Rules of Civil Procedure and the deposition is a  
true record of the testimony given by the witness;

6 That said deposition was taken down by me in  
shorthand at the time and place therein named and  
7 thereafter reduced to text under my direction;

8 --X--- That the witness was requested to  
review the transcript and make any changes to the  
9 transcript as a result of that review pursuant to  
Section 30(e) of the Federal Rules of Civil  
10 Procedure;

11 ----- No changes have been provided by the  
witness during the period allowed;

12 ----- The changes made by the witness are  
13 appended to the transcript;

14 ----- No request was made that the  
transcript be reviewed pursuant to Section 30(e) of  
15 the Federal Rules of Civil Procedure.

16 I further declare that I have no interest in  
the event of the action.

17 I declare under penalty of perjury under the  
18 laws of the United States of America that the  
foregoing is true and correct.

19 WITNESS my hand this 15th day of December,  
20 2017.

21  
22  
23  
24 

25 ANRAE WIMBERLEY, CSR NO. 7778